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Volpe
Civ. Pers.

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-190163

DATE: February 13, 1978

MATTER OF: Jess D. Todd - Claim for additional per diem for delayed travel

DIGEST: Employee on official travel missed his scheduled flight due to circumstances beyond his control, and he elected to stay overnight before continuing travel. Employee did not act prudently nor did he proceed expeditiously in his official travel. The interruption in his travel is deemed to be for his convenience and he may not be allowed additional per diem.

This action is in response to the request for an advance decision from Ms. Marie A. Bell, an authorized certifying officer of the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, reference A:F:A:MAB, concerning the claim of Mr. Jess D. Todd for additional per diem allowance resulting from a delay in his return travel from a temporary duty station.

Mr. Todd traveled from Seattle, Washington, to Glynco, Georgia, on official business, and it appears that during his return trip his baggage was misplaced on the Air South flight from St. Simons Isle, Georgia (near Glynco), to Atlanta, Georgia. Mr. Todd waited at the Air South facility at the Atlanta airport until his baggage was located, and this delay caused him to miss his Eastern Airlines flight to Seattle which was scheduled to depart at 3:05 p.m. Mr. Todd then elected to remain in Atlanta until the following day before returning to Seattle.

The administrative report states, in pertinent part, as follows:

"It is our understanding that the policy of most major airlines is when a passenger's baggage is lost they assume the responsibility of delivering said baggage to the passenger destination residence. His claim for per diem expenses incurred in Atlanta, Georgia was denied since G.S.A. Travel Regulations FPMR 101-7 does not provide for reimbursement of this nature. Also, Mr. Todd could have taken a later flight on the same day on a connecting flight thru Chicago, Illinois or Dallas, Texas at no additional cost to the Government. We do not feel that his stay in Atlanta, Georgia was

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necessary and his claim for lodging expenses incurred is not justified."

Mr. Todd states that, due to the absence of an agreement between Air South and Eastern, it was necessary that he personally transfer his baggage between the two carriers. He argues that, if he had not requested that Air South search for his baggage, it is likely the baggage might never have been recovered which would have resulted in the loss of both personal and Government property. We have been informally advised by a representative of Eastern Airlines that in the absence of a baggage and ticketing agreement Air South would be under no obligation to forward baggage to the passenger's ultimate destination. Since it is not clear whether Air South and Eastern had such an agreement at the time of Mr. Todd's travel, it does not appear unreasonable under the circumstances for Mr. Todd to have waited in Atlanta until his baggage was located.

It appears from the statement in the administrative report that Mr. Todd located his baggage in time to board a connecting flight later that afternoon, and this fact is supported by Mr. Todd's own statement of the facts in this case. However, Mr. Todd argues that to take a connecting flight via Chicago or Dallas would have resulted in additional cost and would have necessitated the issuance of an additional Government Travel Request (GTR). Therefore, in consideration of the additional cost, the layovers on connecting flights, and the late arrival time in Seattle, Mr. Todd states he elected to remain in Atlanta overnight to wait for the next direct flight to Seattle the following day. We have been informally advised by Eastern Airlines that under the circumstances of Mr. Todd's travel an additional GTR would not have been required in order to take a connecting flight. In addition, the administrative report disputes Mr. Todd's contention that a connecting flight would be at additional cost. Finally, with regard to the question of arrival times in Seattle, the following information was obtained from the Official Airline Guide (July 15, 1976, edition) concerning scheduled afternoon flights from Atlanta to Seattle:

Flight(s)	Departure	Direct or Connecting	Arrival
*98	3:05 p.m.	Direct	7:23 p.m.
27	4:00 p.m.	Direct	7:35 p.m.
1138/157	4:15 p.m.	via Chicago	8:30 p.m.
1019/182	4:19 p.m.	via Dallas	8:35 p.m.

* Mr. Todd's scheduled flight

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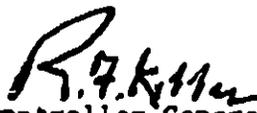
Thus, it appears that Mr. Todd could have taken a later flight to Seattle that same afternoon and arrived within an hour or so after the scheduled arrival of the flight he missed.

Reimbursement for official travel is governed by the standards set forth in the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973). These regulations provide that in performing official travel a Government employee is required to exercise the same care in incurring expenses that a prudent person would exercise if traveling on official business. FTR para. 1-1.3a. Our Office has held that in performing official travel a Government employee is required to proceed as expeditiously as he would if traveling on his personal business even though he may be required to travel on nonworkdays or during nonduty hours. See Laxman S. Sundae, B-185652, December 28, 1976; and decisions cited therein.

In the present case Mr. Todd missed his scheduled flight to Seattle due to circumstances beyond his control, yet it does not appear unreasonable to expect Mr. Todd to have continued on to Seattle on the next available flight when a comparison is made as to departure and arrival times. Mr. Todd's scheduled arrival time in Seattle by way of a connecting flight would not appear to have unduly inconvenienced him, and, therefore, we conclude that had Mr. Todd traveled as a prudent person for his own personal business he would have continued on to Seattle that same day.

The facts in the present case are distinguishable from those in prior cases where we have determined it is reasonable for an employee who has completed his temporary duty at the end of a business day to delay his return travel until the following day so as to avoid extensive travel during nonduty hours. See 51 Comp. Gen. 364 (1971); and B-168855, March 24, 1970. Mr. Todd had begun his return travel at 12:30 p.m., and had he continued to Seattle that same day most of his total travel-time would have been during duty hours. Therefore, we conclude that the interruption in travel was for the employee's personal convenience and that his per diem may not exceed that which would have been incurred had he continued his travel that same day. See FTR 1-7.5d and Sundae, supra.

Accordingly, Mr. Todd's claim for additional per diem may not be allowed.


Deputy Comptroller General
of the United States